IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO: 9037 of 2005

Between:

K.Rama Mohan Rao, S/o Sri Ramalingeswara Rao,
Occ: Agriculture, R/o Flat No.202, Surendra Towers, Machavaram, Vijayawada, Krishna District.

... PETITIONER

AND

The Sub Registrar, Vinjamur, Nellore District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondent herein in refusing to register the transaction on the grounds of instruction from Collector as illegal, arbitrary and vioaltive of Section 34 of the Indian Registration Act,1908 and to pass such other order or orders as this Hon'ble Court deems fit and proper.

Counsel for the Petitioner: MR.A.M.RAO

Counsel for the Respondent: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of *Mandamus* declaring the action of the respondent, in refusing to accept and register sale deed dated 13.4.2005, to convey an extent of Ac.31.2 cents in Survey Nos.10, 11 & 16 in Gottigundala village, Kondapuram Mandal, Nellore District. When the petitioner submitted the document for registration, the same is refused by the respondent referring to the instructions issued by the Collector.

Under the Scheme of the Registration Act, there is no such power conferred on the respondent-Sub Registrar, to reject the document for registration, particularly in the absence of any Notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'). This Court, on number of occasions, has held that the Collector has no such competence to issue instructions to the registering authority. Similar is one such case in **P.Narasimha Reddy Vs. The Sub Registrar, Shameerpet Mandal, R.R District.** Even the learned Government Pleader, on instructions, submits that there is no notification prohibiting registration of the lands in question, under Section 22-A of the Act.

Under the scheme of Registration Act, there is no power conferred on the Collector. In the absence of any valid notification issued under Section 22-A of the Registration Act, 1908, the registering authority cannot refuse to register any document. In that view of the matter, the writ petition is allowed and the respondents are directed to accept the document presented by the petitioner and consider the same for registration, if the document is otherwise in order.

Subject to the above direction, the writ petition is allowed. No order as to costs.

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R.SUBHASH REDDY, J

Dated: 29.04.2005

RAR

To

1) The Sub Registrar, Vinjamur, Nellore District.

2) 2 CCs to G.P for Revenue, High Court Bldgs, Hyd.(OUT)

3) 2 CD copies.